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PATENT

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kyle et al.
Serial No.: 09/838,652
Filed: April 19, 2001
Group Art Unit: 2152
Before the Examiner: Nguyen, Trong
Title: DETERMINING LOGON STATUS IN A BROADBAND
NETWORK SYSTEM AND AUTOMATICALLY
RESTORING LOGON CONNECTIVITY

REPLY UNDER 37 C.F.R. §1.111

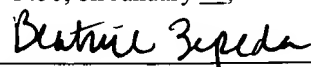
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action having a mailing date of December 15, 2005 (Paper No. 11), having a three-month shortened statutory period for response set to expire on March 15, 2006, Applicants respectfully reinstate the Appeal Brief filed on September 26, 2005 by filing herewith a second notice of appeal in compliance with 37 C.F.R. §41.31 and filing separately a complete new Appeal Brief in compliance with 37 C.F.R. §41.37. Applicants note that any fees paid for the first notice of

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 19, 2006.



Signature

Beatrice Zepeda

(Printed name of person certifying)

appeal and for the first Appeal Brief previously paid will be applied to this second appeal.

Applicants would like to make a request to Examiner Nawaz, SPE Saleh Najjar and to the other SPE or director involved in the pre-trial conference that they will not reopen prosecution again, but instead, allow the Examiner to file an Examiner's Answer so as to reduce the delay and expense in prosecution of this case. The Examiner appears to be reopening prosecution simply because those on the pre-trial appeal conference do not believe that the Examiner will be successful in the Appeal and hence have given the Examiner another opportunity to strengthen the Examiner's case. This is improper and unfair. How many bites at the apple does an Examiner get? All that results is increasing the pendency of the case and further delay.

Respectfully submitted,

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